

1 THE HONORABLE MARSHA J. PECHMAN  
2  
3  
4  
5  
6

7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 YASMINE MAHONE, an individual, and  
11 BRANDON TOLE, an individual, on behalf of  
12 themselves and all others similarly situated,

13 Plaintiffs,

14 v.

15 AMAZON.COM, INC., a Delaware corporation,  
16 AMAZON.COM SERVICES LLC; a Delaware  
17 Limited Liability Company; AMAZON.COM  
18 DEDC, LLC; a Delaware Limited Liability  
19 Company; and AMAZON.COM KYDC LLC, a  
20 Delaware Limited Liability Company,

21 Defendants.

22 Case No. 2:22-cv-00594-MJP

23 **STIPULATED MOTION TO  
24 EXTEND CERTAIN CLASS  
25 CERTIFICATION-RELATED  
26 DEADLINES AND SET LCR 37  
BRIEFING SCHEDULE AND  
[PROPOSED] ORDER**

NOTE ON MOTION CALENDAR:  
AUGUST 31, 2023

**STIPULATION**

Pursuant to Local Rules 7(d)(1), 10(g), and 16(b)(6), Plaintiffs Yasmine Mahone and Brandon Tole, and Defendants Amazon.com, Inc., Amazon.com Services LLC, Amazon.com DEDC, LLC, and Amazon.com KYDC LLC (“Amazon”) (together, the “parties”) hereby jointly stipulate as follows:

1. On April 10, 2023, the Court issued a Case Scheduling Order (Dkt. #58). On July 20, 2023, the Court granted the parties’ stipulated motion to extend certain class certification-related deadlines (Dkt. #64). The parties have made good faith efforts to complete all class

1 certification discovery within the scheduled time frame but there are still a few discrete outstanding  
 2 discovery issues the parties are working to resolve and a few issues that the parties, having met  
 3 and conferred on several occasions, anticipate needing to raise with the Court. The parties have  
 4 agreed to utilize the expedited joint motion procedure under LCR 37 to resolve the discovery  
 5 disputes.

6       2. Rule 16 provides that "a schedule may be modified only for good cause and with  
 7 the judge's consent." Fed. R. Civ. P. 16(b)(4); Local Rule 16(b)(6). "Rule 16(b)'s 'good cause'  
 8 standard primarily considers the diligence of the party seeking the amendment." *Miller v. Sawant*,  
 9 2022 U.S. Dist. LEXIS 211739, \*3 (W.D. Wash. Nov. 22, 2022) (citing *Johnson v. Mammoth  
 10 Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992)). The district court may modify the pretrial  
 11 schedule "if it cannot reasonably be met despite the diligence of the party seeking the extension."  
 12 *Kneadler v. Auburn Sch. Dist.*, 2021 U.S. Dist. LEXIS 115458, \*1 (W.D. Wash., June 17, 2021)  
 13 (citing Fed. R. Civ. P. 16 advisory committee's notes (1983 amendment)). A "court must be careful  
 14 not to deprive a party of discovery that is reasonably necessary to afford a fair opportunity to  
 15 develop and prepare the case." *Harper v. United States Seafoods, LP*, 2003 U.S. Dist. LEXIS  
 16 27646, \*11 (W.D. Wash., April 8, 2003) (citing Fed R. Civ. P. 26(b)(1) Notes of Advisory  
 17 Committee, 1983 Amendment)).

18       3. The parties have acted diligently in their attempts to obtain the necessary class  
 19 certification discovery for preparation of the Class Certification Briefing. The parties have been  
 20 producing on a rolling basis documents containing thousands of pages, and Amazon has produced  
 21 spreadsheets containing thousands of data points, including through August 31, 2023, the date of  
 22 this filing.

23       4. On August 2 and 3, 2023, Amazon took the depositions of Plaintiffs. Also on  
 24 August 3, Counsel for Plaintiffs and Counsel for Amazon met and conferred in person over the  
 25 outstanding discovery issues relating to both parties' productions. At that meeting, additional  
 26 productions were agreed upon. Plaintiffs then took three 30(b)(6) depositions on August 22, 2023.

STIPULATION TO EXTEND CLASS  
 DEADLINES AND [PROPOSED] ORDER – 2  
 (Case No. 22-CV-594)

Perkins Coie LLP  
 1201 Third Avenue, Suite 4900  
 Seattle, Washington 98101-3099  
 Phone: +1.206.359.8000  
 Fax: +1.206.359.9000

1 The parties continued to meet and confer throughout August, including through the date of this  
 2 filing, on multiple discovery issues including document and data productions, and evidentiary  
 3 authentication issues.

4       5. The parties agree and stipulate to the following briefing schedule for the expedited  
 5 joint motion procedure under LCR 37: (1) the parties' initial submissions under LCR 37 shall be  
 6 served on September 14, 2023; (2) the parties' responses shall be served on September 21, 2023;  
 7 and (3) the parties' replies shall be served on September 25, 2023. The parties will file the joint  
 8 motion with the Court on September 25, 2023.

9       6. The deadline to complete class discovery is currently August 31, 2023, and  
 10 Plaintiffs' Motion for Class Certification is currently due on September 15, 2023. Given the  
 11 outstanding discovery issues to still be resolved, either through further meeting and conferring or  
 12 through the LCR 37 procedure set forth above, the parties have agreed, pending the Court's  
 13 approval, to continue: (1) the deadline to complete class discovery to October 6, 2023; (2) the  
 14 deadline for Plaintiffs' Class Certification Motion to October 13, 2023; (3) the deadline for  
 15 Defendants' Response to the Motion for Class Certification to December 15, 2023; and (4) the  
 16 deadline for Plaintiffs' Reply to January 15, 2024.

17       7. Class discovery conducted between September 1 and October 6 shall be limited,  
 18 for Plaintiffs, to the Interrogatories, Requests for Admission, Rule 30(b)(6) deposition notice, and  
 19 deposition notice for Brian Poole served by Plaintiffs on August 30, 2023, and for Defendants, to  
 20 Defendants' requests, made in August 25, 2023 email correspondence, for the production of  
 21 additional documentation and information by Plaintiffs following their depositions (the "Pending  
 22 Requests"). The parties reserve all rights and objections with respect to the Pending Requests and  
 23 their agreement to the foregoing schedule is not an agreement that the Pending Requests are all  
 24 permissible subjects of class discovery. Nothing in this stipulation alters the rights or duties of the  
 25 parties to satisfy the obligations imposed by Fed. R. Civ. P. 26(e) with respect to class discovery.  
 26

STIPULATION TO EXTEND CLASS  
 DEADLINES AND [PROPOSED] ORDER – 3  
 (Case No. 22-CV-594)

Perkins Coie LLP  
 1201 Third Avenue, Suite 4900  
 Seattle, Washington 98101-3099  
 Phone: +1.206.359.8000  
 Fax: +1.206.359.9000

1       8. There has been one prior request to extend the deadlines set in the Court's April 10,  
2 2023 Case Scheduling Order. Extending the deadlines as stipulated would not affect any other  
3 scheduled dates in the proceeding.

4                   RESPECTFULLY SUBMITTED this 31st of August 2023.  
5

6                   By: s/ Shannon McDermott

7                   Andrew E. Moriarty, Bar No. 28651  
8                   Heather L. Shook, Bar No. 56610  
9                   Shannon McDermott, Bar No. 59455  
10                  **Perkins Coie LLP**  
11                  1201 Third Avenue, Suite 4900  
12                  Seattle, Washington 98101-3099  
13                  Telephone: +1.206.359.8000  
14                  Facsimile: +1.206.359.9000  
15                  AMoriarty@perkinscoie.com  
16                  HShook@perkinscoie.com  
17                  SMcDermott@perkinscoie.com

18                  Jason C. Schwartz (*pro hac vice*)  
19                  Brian A. Richman (*pro hac vice*)  
20                  **Gibson, Dunn & Crutcher LLP**  
21                  1050 Connecticut Avenue, N.W.  
22                  Washington, D.C. 20036-5306  
23                  Telephone: +1.202.955.8500  
24                  Facsimile: +1.202.467.0539  
25                  JSchwartz@gibsondunn.com  
26                  BRichman@gibsondunn.com

18                  Lauren M. Blas (*pro hac vice*)  
19                  **Gibson, Dunn & Crutcher LLP**  
20                  333 South Grand Avenue  
21                  Los Angeles, California 90071-3197  
22                  Telephone: +1.213.229.7000  
23                  Facsimile: +1.213.229.7520  
24                  LBlas@gibsondunn.com

22                  *Attorneys for Defendants Amazon.com, Inc.,*  
23                  *Amazon.com Services LLC,*  
24                  *Amazon.com.dedc, LLC and*  
25                  *Amazon.com.kydc LLC.*

By: Gene J. Stonebarger  
Daniel Kalish, Esq., WSBA 35815  
**HKM Employment Attorneys LLP**  
600 Stewart Street, Suite 901  
Seattle, WA 98101  
Telephone: 206-826-5354  
Email: [dkalish@hkm.com](mailto:dkalish@hkm.com)  
Attorneys for Plaintiff

Brian J. Lawler (*pro hac vice*)  
**PILOT LAW, P.C.**  
4632 Mt. Gaywas Dr.  
San Diego, CA 92117  
Tel: 619-255-2398  
Email: blawler@pilotlawcorp.com

Gene J. Stonebarger (*pro hac vice*)  
**STONEBARGER LAW, APC**  
101 Parkshore Dr., Suite 100  
Folsom, CA 95630  
Tel: 916-235-7140  
Email: [gstonebarger@stonebargerlaw.com](mailto:gstonebarger@stonebargerlaw.com)

Kevin L. Wilson (*pro hac vice*)  
**KEVIN WILSON LAW PLLC**  
3110 Horton Avenue  
Louisville, KY 40220  
Telephone: 502-276-5050  
Email: kevin@klwilsonlaw.com

*Counsel for Plaintiffs and the  
Proposed Putative Class*

1                   **[PROPOSED] ORDER**

2                   Based upon the foregoing Stipulation, **IT IS SO ORDERED.**

3  
4                   DATED this 5th day of September, 2023.

5  
6                     
7

8                   Marsha J. Pechman  
9                   United States Senior District Judge

10                  PRESENTED BY:

11                  s/ Shannon McDermott  
12                  Shannon McDermott, Bar No. 59455  
13                  **Perkins Coie LLP**  
14                  1201 Third Avenue, Suite 4900  
15                  Seattle, Washington 98101-3099  
16                  Telephone: +1.206.359.8000  
17                  Facsimile: +1.206.359.9000  
18                  SMcDermott@perkinscoie.com

19  
20  
21  
22  
23  
24  
25  
26                  *Attorneys for Defendants Amazon.com, Inc.,  
Amazon.com Services LLC,  
Amazon.com.dedc, LLC and  
Amazon.com.kydc LLC.*